IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1769 OF 2004
ALONGWITH
CHAMBER SUMMONS NO.1798 OF 2004
IN
EXECUTION APPLICATION NO.422 OF 1998
IN
SUIT NO.2235 OF 1987

Ch/s.No.1769/04 :

The Board of Trustees of the
Port of Bombay ..Plaintiffs.

Vs.

Indian Overseas Manufacturing
Co. & Anr. ..Defendants.

And
Abhishek D. Navalakhi ..Applicant.

Ch/s.No.1798/04 :

The Board of Trustees of the
Port of Bombay ..Plaintiffs.

Vs.

Indian Overseas Manufacturing
Co. & Anr. ..Defendants.
And
Rekha Dineshchandra Navlakhi ..Applicant.

Mr.U.J.Makhija i/b.M/s.Motiwala & Co. for the Plaintiffs in both the Chamber Summons.

Ms.Savita Suryawanshi for the Applicants in both the Chamber Summons.

CORAM : S.J. VAZIFDAR, J.
DATED : 14TH FEBRUARY, 2006

P.C. :

The above Chamber Summonses have been taken out

by the son and the wife respectively of the sole proprietor of the Defendants firm for raising and setting aside the warrant of attachment issued in execution of a decree dated 13.12.1988 in the sum of Rs.4,85,333/-.

2. As far as the immoveable property is concerned, it is a residential tenanted premises and, in view of the order in Chamber Summons No.1767 of 2004 passed today, the same cannot be attached in execution of the decree.

3. The Sheriff has also levied attachment on 10 items, such as, ceiling fans, tub-lights, wooden tables, cup-boards, music system and of computer.

4. The moveable items today are of very little value. Further, there is nothing to indicate that the aforesaid moveable properties belong to the Judgment Debtor.

5. In the circumstances, both the Chamber Summons are made absolute in terms of prayer (a).